

**WRITTEN STATEMENT OF JOSE LUIS PAYAN,
BROTHER OF JUAN CARLOS PAYAN,
TO THE UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON EDUCATION AND LABOR
October 3, 2007**

I want to thank Chairman Miller for the opportunity to talk about my brother, Juan Carlos Payan (“Carlos”), who died in the Crandall Canyon Mine Collapse. I also want to thank the United Mine Workers Association for generously bringing me here to observe these hearings.

Carlos died while working as a miner. He mined to help his siblings pay for school and to help his parents get ahead. Though single, he was a family man to his brothers, sisters, nieces and nephews. The wages he earned went to the family members he adored and loved. He loved his nieces and nephews and was the life of the party when they got together. He worried about those around him that they were happy and taken care of.

Carlos loved his mother country of Mexico. He also loved his adopted country, the USA.

I also worked in the Crandall Canyon Mine. While we are not mining engineers and could no way predict the tragedy that would come, the mine was making us nervous. The bump in March of this year was very scary. It required us to clean the mine floor from the coal that exploded from the sides and roof of the mine. The bump also damaged the conveyor and some equipment. Many left the mine. We trusted the mine owners that they would not mine in dangerous conditions. Our trust was misplaced.

We had no union to turn to to express our fears and for protection from making them known.

MSHA needs to be investigated to determine whether it was independent and proper in approving the mining of the barriers and in the rescue operations.

I arrived four hours after the collapse to begin my shift. I was told then that there had been a collapse. My heart sunk as I knew my brother had worked that shift. Then I saw his supervisor and my heart jumped as I believed he had gotten out. I ran to the supervisor and asked about Carlos. He admitted then that the supervisors had all left the mine for a meeting a few

hours before the collapse. I was devastated and began to try to join in the rescue. I was prevented from doing such. That was the closest I have physically been to Carlos since that time. Unfortunately, he remains in a mountain, his method of death unknown. It is our hope that we can reach Carlos some day and take him to his homeland of Mexico for burial. In the mean time, my mother cries herself to sleep, as do my sisters. My father is left without a child and I am left without a brother, a brother I loved.